

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NOBLE TORNELLO FONTAINE)	
PIERCE EL-BEY)	
)	
Plaintiff, Pro Se)	
v.)	
)	1:09CV753
NORTH CAROLINA BOARD OF)	
NURSING, et al.)	
)	
Defendants.)	

ORDER

The Complaint in this case was filed on September 30, 2009 [Doc. # 2]. On December 31, 2009, United States Magistrate Judge Trevor Sharp filed an Order and Recommendation [Doc. # 6]. Notice was served on the parties pursuant to 28 U.S.C. § 636(b) and a copy was given to the Court. On January 6, 2010 Plaintiff filed objections to the Recommendation [Doc. # 8].

A court is not required to conduct a de novo review where objections to the Recommendation of the Magistrate Judge are general and conclusory. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982)(citing United States v. Merz, 376 U.S. 192 (1964)); see also Smith v. Nuth, No. 96-6614, 1996WL 593792 (4th Cir. Oct. 16, 1996) ("Because general objections do not direct the [district] court's attention to any specific portions of the [Recommendation],

general objections . . . are tantamount to a failure to object.”). Cf. United States v. Midgette, No. 05-4765, 2007 WL 572127, at *4 (4th Cir. Feb. 26, 2007) (“Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge; it contemplates that a party’s objection to a magistrate judge’s report be specific and particularized, as the statute directs the district court to review only ‘*those portions* of the report or *specified* proposed findings or recommendations *to which objection is made.*’”) (emphasis in original) (citations omitted).

In this case, the Plaintiff’s objections do not even rise to the level of conclusory and general. The objections were virtually incoherent and failed to direct the Court to anything of significance in the Recommendation. Notwithstanding Plaintiff’s failure to object properly, and in consideration of the *pro se* nature of Plaintiff’s case, the Court did perform a *de novo* review of the Magistrate Judge’s Recommendation. Based on this review, the Court finds the Magistrate Judge’s Recommendation to be an accurate reflection of the law as applied to the facts of this case. The Court therefore adopts in full the Magistrate Judge’s Recommendation.

IT IS THEREFORE ORDERED that the Plaintiff’s Complaint [Docket No. 2] is frivolous and the entire cause of action is **DISMISSED WITH PREJUDICE** as

failing to state a claim upon which relief can be granted. The Motions filed by Plaintiff subsequent to the Magistrate Judge's Recommendation [Doc. ## 9, 11, 13] should now be dismissed as moot. A judgment dismissing this action will be entered contemporaneously with this Order.

This the 19th day of August, 2010

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge